

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Ralph Saczawa, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AudioEye, Inc., Nathaniel T. Bradley, and
Edward O'Donnell,

Defendants.

Case No: CV-15-00163-TUC-DCB
(LEAD)

**ORDER GRANTING MOTION FOR
CONSOLIDATION**

Lee Nykaza, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

AudioEye, Inc., Nathaniel Bradley, and
Edward O'Donnell,

Defendants.

Case No: CV-15-00673-PHX-DLR

Before the Court are numerous motions to consolidate and appoint lead plaintiff
and lead counsel. The Court has reviewed all the motions and considered Fed.R.Civ.P.
42(a). The Court will now rule on the motions for consolidation but will defer ruling on

1 the motions for lead counsel and lead plaintiff until after oral argument. *See, Aronson v.*
2 *McKesson HBOC*, 79 F.Supp.2d 1146 (N.D. Cal. 1999).

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4 Rule 42(a) grants the court discretion to consolidate “actions involving a
5 common question of law or fact.” No movant appears to contest that there are many
6 common questions of fact among the various complaints. The primary disagreement
7 involves which plaintiff and which law firm should be designated the lead in what is
8 styled as a securities litigation class action.

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10 Having considered the motions for consolidation of the above-captioned related
11 actions and good cause appearing therefore,

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13 **IT IS HEREBY ORDERED THAT:**

14 (1) All pending motions for consolidation are GRANTED. Pursuant to Fed.
15 R. Civ. P. 42(a), the above-captioned actions are consolidated for all purposes (the
16 “Consolidated Action”). This Order (the “Order”) shall apply to the Consolidated
17 Action and to each case that relates to the same subject matter that is subsequently filed
18 in this Court or is transferred to this Court, and is consolidated with the Consolidated
19 Action.
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22 (2) A Master File is established for this proceeding. The Master File shall be
23 CV-15-00163-TUC-DCB. **The Clerk shall file all pleadings in the Master File and**
24 **note such filings on the Master Docket. The caption for the Consolidated Action is**
25 **changed to: *In re AudioEye, Inc. Sec. Litig.*, No. CV-15-00163-TUC-DCB.**
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1 (3) The Court requests the assistance of counsel in calling to the attention of
2 the Clerk of this Court the filing or transfer of any case that may properly be
3 consolidated as part of the Consolidated Action.
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5 (4) When a case that arises out of the same subject matter as the Consolidated
6 Action is hereinafter filed in this Court or transferred from another court, the Clerk of
7 this Court shall:
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9 (a) File a copy of this Order in the separate file for such action;

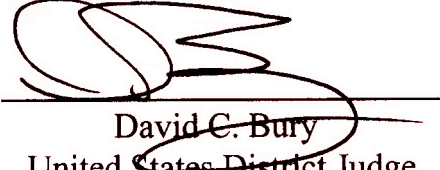
10 (b) Mail a copy of this Order to the attorneys for the plaintiff(s) in the
11 newly-filed or transferred case, and to any new defendant(s) in the newly-filed case; and
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13 (c) Make the appropriate entry in the Master Docket for the
14 Consolidated Action.

15 (5) Each new case that arises out of the subject matter of the Consolidated
16 Action shall be consolidated with the Consolidated Action. This Order shall apply
17 thereto, unless a party objects to consolidation (as provided for herein), or to any
18 provision of this Order, within ten (10) days after the date upon which a copy of this
19 Order is served on counsel for such party by filing an application for relief, and this
20 Court deems it appropriate to grant such application. Nothing in the foregoing shall be
21 construed as a waiver of Defendants' right to object to consolidation of any
22 subsequently-filed or transferred related action.
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1 (6) Oral argument by telephone conference call on the motions for
2 appointment of lead plaintiff and lead counsel is set for **July 21, 2015 at 1:00 p.m.**
3 **(AZ)**. Counsel should file a notice of appearance with contact information for that date
4 on or before July 17, 2015. Counsel may also appear in person.
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6 Dated this 1st Day of July, 2015
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11 United States District Judge
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